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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,049	10/16/2003	Louis A. Morgan	2002-Morgan.Louis.2	7502
7590	03/11/2005		EXAMINER	
Randal D. Homburg P.O. Box 10470 Midwest City, OK 73140-1470			ZEC, FILIP	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/687,049	MORGAN, LOUIS A.
	Examiner Filip Zec	Art Unit 3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 October 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5-12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>16 October 2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Objections***

1. Claim 10 is objected to because of the following informalities: it recites the limitation "said fluid level probe" twice in line 9. The first occurrence should be "a fluid level probe". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 lists features, i.e. "a soda water outlet line", "a first return soda line" and "a second return soda line", which are already stated in claim 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,698,229 to Renken et al, in view of U.S. Patent 5,011,700 to Gustafson et al.,

U.S. Patent 4,201,558 to Schwitters et al. and U.S. Patent 5,310,088 to Burrows. Renken discloses applicant's basic inventive concept, an apparatus (100, FIG. 3) for delivering a carbonated beverage at or near the freezing point of water, blending fresh water (306), carbon dioxide gas (302) and beverage syrup (lines 4, 5 and 6, FIG. 8) together for dispensing a cold soft drink at a faucet bank (108), a carbonator (203), a plurality of diet syrup lines and a plurality of sugared syrup lines (1, 2, 3, 4, 5 and 6, FIG. 8), each of said plurality of diet syrup lines and each of said plurality of sugared syrup lines passing through one of said plurality of syrup pumps (610, FIG. 6), each of said plurality of sugared syrup lines passing through one of said plurality of syrup pumps to a syrup coil (438, FIG. 4), said syrup coil further attached to said faucet bank; a water circulating system comprising a first fresh water line (306) to a heat exchange unit (201), a second fresh water line from said heat exchange unit to a water circulating loop delivering fresh water to said faucet bank and to said inner tank (322), a first return soda line (332) connecting said faucet bank to a central soda water tube (318) within said heat exchange unit, and a second return soda line connecting said central soda water tube to said water circulating loop (324), further said set of refrigerated cooling coils connected to an accumulator (receiver, FIG. 7), through a dryer (721, FIG. 7) to a compressor (714, FIG. 7), a second refrigerant line from said compressor directed to a condenser unit (711, FIG. 7), and a third refrigerant line from said condenser unit passing back over said accumulator to said refrigerated cooling coils (706, FIG. 7), said refrigerant circulating system filled with a compressed refrigerated gas delivered to said set of refrigerated cooling coils at a temperature below the freezing point of water; said heat exchangers and carbonators using insulating foam (col 7, lines 58-62) and water circulating pumps (204

and 205), substantially as claimed with the exception of a specifying a double tank carbonator having an inner tank contained within an outer tank, with an insulated void between said inner tank and said outer tank, said inner tank surrounded by and attached to a set of refrigerated cooling coils, said coils attached to a refrigerant circulating system; a compressed gas line connected to a carbon dioxide cylinder, directing carbon dioxide gas to the inner tank and to a plurality of syrup pumps, a fluid level probe within said inner tank integrated with and controlling said water circulating loop and a temperature sensing means within said inner tank integrated with and controlling said refrigerant circulating system, said water circulation loop including a check valve and a solenoid. Gustafson shows a double tank having an inner tank (114, FIG. 4) contained within an outer tank (112, FIG. 4), with an insulated void containing vacuum (120, FIG. 4) between said inner tank and said outer tank, a compressed gas line connected to a carbon dioxide cylinder (12, FIG. 1), directing carbon dioxide gas to the inner tank and to a plurality of syrup pumps (30, FIG. 1) and a fluid level probe (156, FIG. 4) within said inner tank integrated with and controlling said water circulating loop to be old in the refrigeration art. Burrows shows a tank (22, FIG. 3) surrounded by and attached to a set of refrigerated cooling coils (86), said coils attached to a refrigerant circulating system (82, FIG. 2) to be old in the cooling art. Schwitters shows the use of a check valve (51d-53d, FIG. 1), a solenoid (51, FIG. 1) and a temperature sensing means within and integrated with said inner tank (42, FIG. 1) and controlling said refrigerant circulating system, to be old in the refrigerating art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Gustafson, Burrows and Schwitters to modify the system of Renken, by using a double tank refrigerating carbonator having

temperature sensing means and a liquid level probe in order to simultaneously and effectively chill the syrup line and the soda water.

***Allowable Subject Matter***

6. Claims 5-9 are objected to as being dependent upon a rejected base claim; but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 10-12 are allowed.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,626,005 to Schroeder, Alfred A. teaches beverage dispensing with cold carbonation.

U.S. Patent 5,524,452 to Hassell, David A. et al. teaches a beverage dispenser having an L-shaped cold plate with integral carbonator.

U.S. Patent 6,725,687 to McCann, Gerald P. et al. teaches a drink dispensing system.

U.S. Patent 6,761,036 to Teague, Merritt T. et al. teaches a beverage dispenser with integral ice maker.

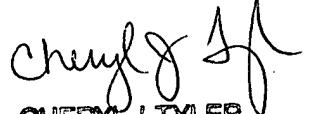
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is (571) 272-4815. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Filip Zec  
Examiner  
Art Unit 3744

  
**CHERYL J. TYLER**  
**PRIMARY EXAMINER**

FZ